IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.251 OF 2005
IN
LETTERS PATENT APPEAL NO.197 OF 2005

Progressive Education Society
and Anr. ...Applicants.

Vs.

Smt.Sneha Vidyasagar Risbud
and 2 Ors. ...Respondents.

Mr.R.K.Saroj with S.V.Pitre, Advocate for the Applicants.

Mr.Sanjay Rayrikar and Mr.A.M.Joshi, Advocate for the Respondent.

Ms.P.S.Cardozo, AGP, for the State.

CORAM : SMT.RANJANA DESAI AND
SMT.V.K.TAHILRAMANI,JJ.

DATED : OCTOBER 17, 2006.

P.C.:-

1. Heard learned counsel for the parties. Perused the affidavit of Shri.Dattatraya Shendkar, Deputy Education Officer (Secondary), Zilla Parishad, Pune.

2. In the circumstances of the case, there will be interim relief in terms of prayer clauses (b) and (c).

3. Mr.Joshi, the learned counsel for respondent 1 states that the Management wants to appoint respondent 1 as Assistant Teacher in the Modern High School, Shivaji Nagar, Pune w.e.f. 6.11.2006 and the Management has undertaken to pay respondent 1 an amount of Rs.75,000/-. He says that respondent 1 has agreed to accept the said amount and she wants to give up her claim for any backwages and she does not want to claim the same in future before any competent authority and/or from the Management. Mr.Pitre the learned counsel for the applicant-Management says that the Management shall forward the case of respondent 1 for the purposes of approval and her appointment will be subject to approval of respondents 2 & 3.

4. Mr.Pitre says that the Management has handed over a cheque in the sum of Rs.75,000/- in the name of respondent 1 to the learned counsel of respondent 1.

5. If the Management want to employ respondent 1, it shall do so at its own risk. There appears to be

some understanding between the Management and respondent 1 for which respondents 2 & 3 are not responsible. Any appointment of respondent 1 shall be subject to the approval of respondents 2 & 3 and no monetary liability can be fastened on respondents 2 & 3 by reason of such appointment. Obviously, till such time as the instant letters patent appeal is heard and finally disposed of, the above arrangement and anything done by the Management pursuant thereto, will not bind respondents 2 & 3 and it will be subject to the final decision in the instant letters patent appeal.

6. Civil application is disposed of accordingly.

[SMT.RANJANA DESAI,J.]

[SMT.V.K.TAHILRAMANI,J.]